



Conservation Commission Meeting Minutes

Wednesday, October 25, 2023

Town of Kingston
26 Evergreen Street, Room 200
Kingston, MA 02364

Present: Kalina Vendetti (Chairperson), Megan Hickey, Natalie Wiegman

Virtual: Vittorio "Buz" Artiano

Absent: Jim Franklin (Vice-Chair), Glen Duffy, Dorothy MacFarlane

Staff: Matt Penella, Conservation Agent (Attended virtually)

Julianna Denum, Assistant Conservation Agent

Location: Town Hall Offices, Room 200

Commission Meeting Opened: 6:42 p.m.

BUSINESS:

I. Signing Documents

The Commission signed the Orders of Conditions for 11 Kingston Street and a bill from Express Newspapers totaling \$42.50 for posting the legal ad relating to the Delano Avenue access pathway improvements RDA.

Additionally, agent Penella signed two bills. The first was a bill of \$115.00 from Kingston Landscaping, LLC for the trail maintenance at Calista Farm. The second was a bill totaling \$108.92 from Lowes for lumber needed at Soules Pond.

II. Action Items

a) Delano Avenue Access Pathway Request for Determination of Applicability

Chairperson Vendetti opened a public meeting to discuss the Request for Determination of Applicability (RDA) regarding improvements to the stormwater BMP and access pathway on Delano Avenue. Agent Penella explained that the area had been modified several years ago with the installation of a stormwater BMP. He noted that residents have been dissatisfied with the current conditions, particularly the stairway leading to the river. Agent Penella added that funding has been received from the state for improvements in the area, including adding extra stairs and leveling the approach to the stairs. A railing will also be installed for increased safety. The agent noted that the work also includes invasive plant management to reclaim the retention basins on either side of the stairway.

Ken Medeiros, resident of 4 Adams Avenue, who is a direct abutter, expressed concerns regarding the proposed repairs. Ken noted that the easement and retention basins have lacked maintenance. Ken stated that he oftentimes cleans the area after heavy rains. He expressed concerns about increased visitorship due to the stair repairs, noting that the area often faces disrespect and littering, especially with late-night parties in the summer.

Chairperson Vendetti inquired whether the area would become hazardous if left unrepaired. Ken responded affirmatively, citing the large amounts of water runoff that could cause the stairs to wash out. He also highlighted the lack of public parking and potential difficulties for emergency vehicles. Agent Penella advised that abutters witnessing any illegal activities or misuse of the area should report these incidents to the Kingston Police Department (KPD). He emphasized that the work aims to improve the area and make it safer for residents. Agent Penella pointed out the role of state funding for the project and clarified that the site is not a public beach but a path for river access.

Agent Penella stated that the area is not a conservation property but is within the Town's right of way, and it has historically provided access to the river. He mentioned the need for continued maintenance to allow this access. Ken Medeiros agreed with agent Penella's comments and shared his past experiences of contacting KPD, which had recommended installing no trespassing signs on his property.

Sharon Sadosky, resident of 6 Adams Avenue, echoed Ken Medeiros' concerns. She noted the same issues with area misuse, predicting increased visitorship and littering with the repaired stairs. Sharon raised concerns about water quality and overgrown vegetation riddled with trash. She also highlighted issues with illegal fishing and neighborhood dogs using the area as a toilet.

Despite supporting the improvements, Sharon stressed the need to address the accompanying issues.

Commissioner Hickey acknowledged the issue of trash disposal in public areas but noted that such matters fall outside the scope of the Conservation Commission. Commissioner Hickey emphasized the obligation to fix safety hazards. Agent Penella mentioned plans to consult with the harbor master about installing signage to clarify that the area is not a public beach. He affirmed the necessity of maintaining the preexisting access path, stating that it would remain open unless the Town decides to close it. Agent Penella encouraged the public to report any illegal fishing activities to the Environmental Police. The agent stated that he did not anticipate a significant increase in the area's usage from the proposed work. He recommended the issuance of a Negative 3 Determination of Applicability (DOA).

VOTE: Commissioner Hickey made motion to issue a Negative 3 DOA. The motion was seconded by Commissioner Wiegman. The motion PASSED with a vote 4-0-0.

b) 85 Summer Street Request for Determination of Applicability

Chairperson Vendetti opened a public meeting to discuss the Request for Determination of Applicability (RDA) for the installation of a shipping container at 85 Summer Street. Steven Richmond, trustee of KJJ Realty Trust and owner of Lovely Pets, emphasized the container's importance for his business, allowing him to maintain a competitive inventory. He acknowledged that he was unaware of the need for a permit prior to its installation.

Agent Penella noted that he had previously observed the shipping container and had discussed the need to file an RDA with Steven. He pointed out that there is a wetland in the area behind the shipping container. Agent Penella mentioned that if the Commission finds the container's location acceptable, a Negative 3 DOA could be issued; otherwise, repositioning the container onto the existing pavement might be necessary.

Steven Richmond explained his decision to place the container on a grassy area beyond the pavement to preserve parking space. Jack O'Leary, a member of the public and a customer of Lovely Pets, who also serves on the Central Plymouth County Water District Commission, stated that he conducted the wetland delineation on the property about 20 years ago. He commented on the significant alterations to the wetland and soil over the years and expressed his belief that the situation warranted the issuance of a Negative 3 DOA. Commissioner Hickey brought up the proximity of Halls Brook, approximately 110 feet from the container. Agent Penella highlighted the heavy development of the area and the brook's path under several buildings. He suggested the Commission conduct a site visit. Commissioner Artiano inquired about the

contents inside the container. Steven responded that it held empty aquariums and stands, with no wet or hazardous materials. The Commissioners concurred on the need for a site visit and decided to continue the meeting for a month to facilitate this.

VOTE: Commissioner Artiano made motion continue the matter to November 22nd, allowing for a site visit by the Commission. The motion was seconded by Commissioner Wiegman. The motion PASSED with a vote 4-0-0.

c) COC Request 37 East Avenue

Chairperson Vendetti opened a public meeting to discuss the request for a Certificate of Compliance for 37 East Avenue. Agent Penella reported that a recent site visit had been conducted, confirming that the construction was consistent with the specified plans. He noted that an engineer had also certified the site's compliance with the original specifications. He noted that, although the plantings differed slightly from the original plan, they were more suitable for the area and still aligned with the plan's specifications.

VOTE: Commissioner Artiano made motion issue a Certificate of Compliance for 37 East Avenue. The motion was seconded by Commissioner Wiegman. The motion PASSED with a vote 4-0-0.

d) Review Open Meeting Law Complaint

Agent Penella stated that an Open Meeting Law complaint was received about the previous meeting that was held on October 11, 2023. The agent added that he spoke with Town Counsel, and they said that the Commission could vote to authorize them to respond to the complaint on the Commission's behalf. Agent Penella recommended that the Commission authorize Town Counsel to respond to the complaint on the Commission's behalf.

VOTE: Commissioner Artiano made motion to authorize Town Counsel to respond to the complaint on the Commission's behalf. The motion was seconded by Commissioner Wiegman. The motion PASSED with a vote 4-0-0.

III. Enforcement

a) Frederick Grover – improper disposal of dog waste and plastic into the Jones River

Agent Penella stated that this is a continuation from the last meeting. He noted that Frederick Grover received his Public Records Request providing all documentation relating to the complaint. Agent Penella added that the statement provided by Constable Short after the discussion was closed at the last meeting should not be considered by the Commission.

Frederick Grover, resident of 10 Drew Avenue, stated that he is giving Elizabeth Zaleski limited power of attorney for the meeting. Zaleski read a section from the complaint that was filed with the Animal Control Officer (ACO) to the Commission. The section stated that ACO advised the reporting party that she would review the information and have a discussion with Frederick Grover regarding the loose dog issues. Additionally, ACO informed the reporting parties that Animal Control will contact them with an update. Zaleski stated that the ACO never reached out to Frederick Grover and that if Frederick Grover was approached on the matter, then the issue would never have reached this point.

Zaleski stated that the pictures provided in the complaint were indeed Frederick Grover walking his dog. However, the photo does not show a bag of feces, it was instead a horseshoe crab that Frederick Grover was tossing back into the river. Zaleski noted that the complainants have issues with people walking on the beach. Zaleski added that the ACO complaint states that the complainant has asked Frederick Grover and other neighbors not to allow their dogs loose on the beach and to stop allowing them to defecate on their properties. Zaleski pointed out that this complaint is not specifically related to Frederick Grover. Zaleski added that the reporting party stated that they have video of the incident, however, it was determined during the previous meeting that there was no video.

Zaleski read an email to the Commission that was provided in the public records request. Zaleski stated that the email suggests that there was contempt against Frederick Grover for actions that were instigated by the reporting party. Zaleski also mentioned that the email stated that, according to detectives, there is enough evidence to issue a fine. Zaleski highlighted that there were, however, no emails provided by the detectives.

Commissioner Artiano asked if the photos were provided to Frederick Grover prior to the meeting. Zaleski replied that they have received the photos. Subsequently, the photos were presented to the Commission. The photos showed Frederick Grover walking on the beach with his dog. Zaleski stated that the photos show Frederick Grover holding a horseshoe crab in his hand with the following photos showing him throwing the horseshoe crab back into the river.

Zaleski read a phone call memo to the Commission that was provided in the Public Records Request. This memo noted that Matt Penella received a phone call from Frederick Grover after he was visited by Constable Rob Short. In the memo, Matt Penella stated that he does not want to get involved in the neighbor dispute about beach access. Zaleski stated that Frederick Grover has never polluted a river or a beach or allowed the dog to defecate on the beach. Zaleski stated that Frederick Grover has requested that the enforcement matter be dropped.

Agent Penella stated that when he had reviewed the photographs, they appeared to show Frederick Grover throwing a grocery bag containing dog feces into the river. Agent Penella added that a couple of photos don't have the appearance of being a horseshoe crab but a couple of them could be perceived as being a horseshoe crab. The agent noted that when a Public Records Request is made, all records go through the Public Records Officer. The agent added that he knew about the beach access dispute because the conservation office gets phone calls regularly about the area.

Ken Medeiros, resident of 4 Adams Avenue, stated that he has been an eyewitness more than once where Frederick Grover allows his dog "to do whatever it wants" in the marsh grass. Von Sadosky, resident of 6 Adams Avenue, stated that the reason the pictures were taken was because Frederick Grover's dog squatted on the beach, he reached down to pick it up with a bag and walked toward the river to throw it. Chairperson Vendetti asked Von if he witnessed this. Von stated that he did not but that his neighbor did.

Debbie Medeiros, resident of 4 Adams Avenue, stated that she witnessed the dog pooping and then shortly after saw Frederick Grover walking toward the river with something in his hand. Debbie stated that she viewed this from inside her house which was far away. Debbie noted that it may have been a horseshoe crab, but she did see the dog defecate first. Debbie noted that this is when she took a photo. Chairperson Vendetti inquired if Debbie saw Frederick Grover pick up the dog poop. Debbie responded that she saw the dog poop and then she saw Frederick Grover walk and throw something into the river. Debbie noted that she was not 100% sure if it was dog poop or a horseshoe crab that Frederick Grover threw into the river. Debbie added that Frederick Grover does bring his dog to the area several times a day to poop and pee. Sharon Sadosky, resident of 6 Adams Avenue, stated that Frederick Grover does bring his dog to the area multiple times a day to use the bathroom and does not clean it up. Sharon also noted that she does not believe there are horseshoe crabs in the area this time of year.

Agent Penella stated that if it is a horseshoe crab, then he wouldn't recommend issuing any fines. The agent noted that the size and color appeared inconsistent for it to be a horseshoe crab but that he can't prove that it wasn't. Ken Medeiros, resident of 4 Adams Avenue, stated that he doesn't believe horseshoe crabs are in the area at this time. Elizabeth Zaleski stated that, based on the testimonies of the reporting party complainants, she requested that the matter be dismissed, and that Frederick Grover receive an apology. Commissioner Hickey stated that she believes this was not a horseshoe crab and recommended issuance of a fine. Commissioner Artiano asked to hear from Frederick Grover directly if he did not do this. Frederick Grover stated that, after receiving the photos, he recalled an incident where his dog

encountered a horseshoe crab. To keep his dog away from the crab, he picked it up and threw it back into the river.

VOTE: Commissioner Wiegman made a motion to conclude the enforcement matter. The motion was seconded by Commissioner Artiano. The motion PASSED with a vote 3-1-0.

IV: Meeting Minutes

Minutes for September 13, 2023, were submitted to the Commission for review and approval.

VOTE: Commissioner Hickey made a motion to approve the minutes for September 13, 2023, seconded by Commissioner Wiegman. The motion PASSED with a vote 4-0-0.

Commissioner Vendetti withdrew her approval of the meeting minutes. No further vote was taken since there was no quorum to approve the minutes.

V. Updates

No updates were discussed by the Commission.

VI. Public Hearings

a) 3 Grandview Avenue Notice of Intent

Chairperson Vendetti reopened a hearing for the proposed construction of a second-floor addition to the existing house. The applicant requested a continuance until November 08, 2023.

VOTE: Commissioner Hickey made a motion to continue the hearing until November 8th, 2023. The motion was seconded by Commissioner Wiegman. The motion PASSED with a vote 4-0-0.

b) Blackwater Memorial Forest Notice of Intent for Sampson's Brook Headwaters Ecological Wetland Restoration Project

Chairperson Vendetti reopened a hearing for the proposed ecological wetland restoration project at the Blackwater Memorial Forest conservation property. Agent Penella stated that a response has been sent to DEP regarding the comments they provided on the project.

Commissioner Artiano asked if there would be any special conditions. Agent Penella added that there would be special conditions based on time of year restrictions, but he doesn't recall any special conditions outlined by the Commission. Commissioner Hickey asked how long this project would take. Agent Penella stated that it depends on how long it will take to get all necessary permits. He added that, more than likely, work will not start until fall of 2024 and will continue throughout the winter.

VOTE: Commissioner Artiano made a motion to close the hearing. The motion was seconded by Commissioner Hickey. The motion PASSED with a vote 4-0-0.

VOTE: Commissioner Hickey made a motion to approve the project and issue Order of Conditions with any necessary special conditions. The motion was seconded by Commissioner Artiano. The motion PASSED with a vote 4-0-0.

CLOSING REMARKS

Vice-chair Jim Franklin made closing remarks at 8:03 p.m. The next meeting will be held on November 8th, 2023, starting at 6:30 p.m. in Room 200.

VOTE: Commissioner Wiegman made the motion to adjourn, seconded by Commissioner Hickey; PASSED 4-0-0

Note on Voting Format: In the vote tallies mentioned in these minutes, the format used is "Yes-No-Abstain".

Prepared by: Julianna Denum, Assistant Conservation Agent, Kingston Conservation Department

Approved by: Kingston Conservation Commission

Documents used at the meeting:

- 10/25/2023 agenda
- RDA documents for Delano Avenue access pathway
- RDA documents for 85 Summer Street
- Photographs relating to Frederick Grover
- NOI documents for Blackwater Memorial Forest Ecological Wetland Restoration Project



TOWN OF KINGSTON **NOTICE OF MEETING**

BOARD:	Conservation Commission
DATE & TIME:	Wednesday, October 25, 2023 @ 6:30 PM
MEETING LOCATION:	Town House-26 Evergreen St. Room 200 & VIA ZOOM
AUTHORIZED SIGNATURE:	Matt Penella, Conservation Agent

This meeting notice is being posted on the Official Town House Bulletin Board, pursuant to General Law Chapter 30A, Section 20. Said notice and agenda must be filed in the Office of the Town Clerk at least **48 HOURS** prior to such meeting. Such filing and posting shall be the responsibility of the officer calling such meeting.

For those who want to watch this meeting, it is being broadcast by PACTV on Comcast 15 or Verizon 42 and streamed on YouTube at www.pactv.org/stream.

For anyone wishing to speak during the meeting, you are welcome to join us in person in room 200 or to join the Zoom call.

This meeting is being recorded by PACTV. Anyone intending to make an audio or video recording of this meeting should notify the Chair.

AGENDA

6:30 PM – CALL TO ORDER – ROOM 200

SIGNING DOCUMENTS:

1. Orders of Conditions for 11 Kingston Street
2. \$115.00 bill from Kingston Landscaping, LLC for trail maintenance at Calista Farm - signed by Conservation Agent
3. \$108.92 bill from Lowes for lumber (Soules Pond) - signed by Conservation Agent
4. \$42.50 bill from Express Newspapers for Public Meeting Notice Legal Ad (Delano Avenue access pathway) - signed by Conservation Agent

ACTION ITEMS:

1. Request for Determination of Applicability (RDA) for Delano Avenue access pathway work
2. Request for Determination of Applicability (RDA) for 85 Summer Street for the placement of a shipping container
3. Request for Certificate of Compliance 37 East Avenue
4. Review Open Meeting Law Complaint filed by Frederick Grover

ENFORCEMENT:

1. Frederick Grover - improper disposal of dog waste and plastic into the Jones River

MEETING MINUTES:

1. September 13, 2023

UPDATES:

PUBLIC HEARINGS:

1. 3 Grandview Avenue Notice of Intent (NOI) for the construction of a second-floor addition to the existing house within and near wetland resource areas
2. Blackwater Memorial Forest Notice of Intent (NOI) - for Sampson's Brook Headwaters Ecological Wetland Restoration Project

ADJOURN:**NEXT REGULAR MEETING:**

1. November 8, 2023

Join Zoom Meeting

<https://pactv.zoom.us/j/96816332793?pwd=WmZRUWhTc0dsWUxrNGhSSjBNdDFldz09>

Meeting ID: 968 1633 2793

Passcode: 756156

Or, dial by your location

+1 929 205 6099 US (New York)

This meeting of the Conservation Commission will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting or remotely. All Town Board and Commission meetings are required to provide remote participation. If there is a technical problem and remote participation cannot be provided, the meeting will end and be rescheduled.

The Town of Kingston advises its employees and the public that it does not discriminate based on a person's disability in employment or in access to its programs, services, and activities. This meeting location is accessible to people with disabilities. The Town of Kingston has designated Paul Armstrong to coordinate efforts to comply with the requirements of Executive Order 526, the Americans with Disabilities Act, the federal Rehabilitation Act and various other federal and state laws protecting the rights of people with disabilities.

If you have a disability and require a reasonable accommodation to fully participate in this event, please contact the ADA Coordinator no later than forty-eight (48) hours prior to the event by phone at 781-585-0505 or email parmstrong@kingstonma.gov to discuss your accessibility needs. Requests for accommodations or modifications made within the forty-eight (48) hour window will be honored to the maximum extent feasible, but it may not be possible to fulfill them.



KINGSTON CONSERVATION COMMISSION



26 Evergreen Street, Kingston, MA 02364

PUBLIC MEETING NOTICE

The Kingston Conservation Commission will hold a public meeting on Wednesday, October 25th, 2023, at 6:30PM in Action Items, in accordance with the Wetlands Protection Act, M.G.L Chapter 131, section 40, as amended, and the Town of Kingston Wetlands Protection By-Laws, Chapter 13. This meeting concerns the Request for Determination of Applicability filed by Conservation Agent Matt Penella on behalf of Applicant Kingston Conservation Department, for the access pathway at the end of Delano Avenue, within the road layout between 3 Grandview Avenue and 4 Adams Avenue.

Proposed Work Includes:

- Improving the stormwater system and access pathway.
- Installing 3 granite treads (2 above, 1 below).
- Removing the old erosion control sock.
- Installing an iron handrail with concrete anchors.
- Replacing the slope dirt path to the stairs with a 3-feet by 12-feet level cobblestone path embedded in concrete.
- Addressing any washed-out areas around the treads and resurfacing with crushed stone/sandy fill.
- Reclaiming stormwater features, including the mechanical and chemical treatment of invasive plants (cut-paint method, no spraying) and planting of native species.

No heavy machinery will be used, unless operated from the pavement in a manner that will have no detrimental effects on the substrate sloping towards the river.

This meeting will be held in person in Room 200 of the Kingston Town House. The public will also be able to attend the meeting virtually through Zoom.

Please visit the link below to join the webinar:

<https://pactv.zoom.us/j/96816332793?pwd=WmZRUWhTc0dsWUxrNGhSSjBNdDFldz09>

Meeting ID: 968 1633 2793

Passcode: 756156

Or dial by your location:

US: +1 929 205 6099

This notice is also available at masspublicnotices.org

Conservation Agent: Matt Penella



KINGSTON CONSERVATION COMMISSION

26 Evergreen Street, Kingston, MA 02364



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Please visit the link below to join the webinar:

<https://pactv.zoom.us/j/96816332793?pwd=WmZRUWhTc0dsWUxrNGhSSjBNdDFldz09>

Meeting ID: 968 1633 2793

Passcode: 756156

Or dial-in by telephone:

US: +1 929 205 6099

This notice is also available at masspublicnotices.org

Conservation Agent: Matt Penella



KINGSTON CONSERVATION COMMISSION



26 Evergreen Street, Kingston, MA 02364

SIGN-IN SHEET

PLEASE NOTE THIS MEETING IS BEING VIDEO & AUDIO RECORDED

DATE: 10/25/2023

NAME	INTEREST	ADDRESS
Stephen Richmond	KJJ Realty Trust	855 Summer St
Ken & Deb Medeiros	EASEMENT & GROVER	4 Adams Ave
Shant Van Sadosky	Delino path grove	6 Adams Ave
Paul J. Zurek	Possible fire	10 Drew Ave.
JACK O'LEARY	KJJ R.T.	71 RING RD.
* Kathleen Grover - Did not Sign-in but was in attendance	Frederick Grover	
* Elizabeth Zaleski - Did not Sign-in but was in attendance	Frederick Grover representative	